IN THE HON'BLE HIGH COURT OF JUDICATURE

AT BOMBAY, GOA BENCH, AT PORVORIM

Misc. Civil Application No. 491 /2022 (F)

in

P.I.L. Writ Petition No. 52 / 2021 [F]

The Goa Foundation **…..Applicant**

IN

Bodgeshwar Shetkari Sangh & Ors.

….**Petitioners**

vs.

The Chief Town Planner

(Planning), & Ors. ….**Respondents**

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PLACE: Mapusa, Goa

DATE: 07.03.2022 Advocate for the Applicant

IN THE HON'BLE HIGH COURT OF JUDICATURE

AT BOMBAY, GOA BENCH, AT PORVORIM

Miscellaneous Civil Application No. /2022

in

P.I.L. Writ Petition No. 52 /2021 [F]

1. **THE GOA FOUNDATION**
   through its Secretary, Dr. Claude Alvares,
   age 73 years, having Regd. Office at
   Room No 7, Above Mapusa Clinic,
   Mapusa, Goa 403 507
   PAN No. AAAAG0249C
   Email id: goafoundation@gmail.com

….**APPLICANT**

In

1. **BODGESHWAR SHETKARI SANGH**,
   through its President, Bodgeshwar,
   Mapusa, Goa – 403507.

2. **THE TENANTS ASSOCIATION OF CAMARCASANACHO BUNDH,**
   through its Secretary, John Yuri Lobo,
   Camarcazana, Mapusa, Goa – 403507.

3. **THE GOA FOUNDATION.**
   through its Secretary, Dr. Claude Alvares,
   age 73 years, having Regd. Office at

Room No 7, Above Mapusa Clinic,
Mapusa, Goa - 403507,
PAN No. AAAAG0249C
Email id: goafoundation@gmail.com

4. **GOA BACHAO ABHIYAN,**
An NGO, through its convenor, Sabina Martins,
r/o 2, Treeveni, St. Inez,
Panaji, Goa – 403601.

……**PETITIONERS**

vs.

1. **THE CHIEF TOWN PLANNER**
(**PLANNING),** Town and Country
Department (HQ), 2nd Floor, Dempo Towers,
Patto Plaza, Panaji, Goa – 403001.

2. **THE NORTH GOA PLANNING AND DEVELOPMENT AUTHORITY,**
Mala, Panaji, Goa – 403001.

3. **THE GREATER PANAJI PLANNING AND DEVELOPMENT AUTHORITY (GPPDA),**
Mala, Panaji, Goa – 403001.

4. **THE STATE OF GOA,**
through its Chief Secretary,
Secretariat, Porvorim, Goa - 403521.

…**RESPONDENTS**

(Above addresses are registered addresses of parties)

APPLICATION FOR DISCHARGE OF THE PETITIONER NO. 1 IN THE INSTANT PETITION

MAY IT PLEASE YOUR LORDSHIPS

1. The above PIL 52/2021 [F] is pending adjudication before this Hon'ble Court.

2. The present application is being filed to seek leave of this Hon'ble Court to remove Petitioner No.1 from the list of 4 petitioners.

3. Vide the order of this Court dt. 21.02.2022 in P.I.L. W.P. 52/2021 [F], this Hon'ble Court had directed the petitioners to clear all office objections within a period of two weeks, failing which the petition would be dismissed on account on non – prosecution. A copy of the order dt. 21.02.2022 is enclosed as **Annexure 1.**

4. The only office objection pending in the above matter relates to the non-availability of the signature of the petitioner No. 1 on the hard copy submitted to this Hon'ble Court. During the Covid pandemic, only a soft copy of the petition was filed. Hard copy was retained in the office. However, it cannot be retrieved and is considered lost.

5. The Applicant has contacted the petitioner No.1 to visit the High Court to affix his signature and seal of the organisation to the hard copy of the PIL. Despite several promises, the petitioner no. 1 has failed to appear. It appears from the developments in the matters raised in the PIL which are specific to the petitioner No.1, that these may have been redressed in the final document issued. Hence the petitioner No.1 does not appear to have any further interest in the PIL.

6. However, this is not the case with the other 3 petitioners who will continue with the proceedings as the reliefs sought are in public interest. The removal of petitioner No.1 will make no difference to the PIL or its pleadings.

7. Applicant may therefore be permitted to drop the petitioner No.1 from the cause list of the petition and its place to be taken, by the petitioner No.2.

PRAYER

8. The Applicant is therefore approaching this Hon'ble Court for the following relief:
    i. For an order discharging the petitioner No.1 from the cause list of P.I.L. No. 52 /2021 [F].

For the above, the Applicant is very grateful.

PLACE – MAPUSA, GOA
DATE – 07.03.2022 Applicant

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY, GOA BENCH, AT PORVORIM

Misc. Civil Application No._____/2022

in

P.I.L. Writ Petition No. 52 / 2021 [F]

The Goa Foundation **…..Applicant**

IN

Bodgeshwar Shetkari Sangh & Ors.
….**Petitioners**

vs.

The Chief Town Planner
(Planning), & Ors. ….**Respondents**

AFFIDAVIT IN SUPPORT OF THE APPLICATION

I, Dr. Claude Alvares, Indian National, Secretary of the Applicant above named, do solemnly state on oath as under:

1. I say that I have filed today the accompanying Miscellaneous Civil Application for the reliefs sought therein.

2. I say that this Miscellaneous Civil Application has been drafted on my instructions. I solemnly declare and say that what has been stated in paragraphs 1, 2, 3, 4, 5, 6(p), and 7 are true to the best of my knowledge, and what is stated in paragraphs 6 (p) and 8 are in the nature of legal submissions which I believe to be true and correct. No part of it is false and nothing material has been concealed there from.

3. I say that the documents annexed are true copies of their originals.

Solemnly affirmed at Mapusa,
this the 07th day of March 2022 Deponent

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Meena

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.52 OF 2021 (FILING NO.)
WITH
PIL WRIT PETITION NO.2566 OF 2021 (FILING NO.)

PIL WRIT PETITION NO.52 OF 2021 (FILING NO.)

BODGESHWAR SHETKARI SANGH, THR. ITS PRESIDENT AND 3 ORS …Petitioners
VS
THE CHIEF TOWN PLANNER (PLANNING), TOWN AND COUNTRY PLANNING DEPT. (HQ) AND 3 ORS ...Respondents

Ms. Anamika Gode, Advocate *for the petitioners.*
Mr. Deep Shirodkar, Additional Government Advocate *for respondent Nos.1 and 4.*
Ms. Maria Correia, Additional Government Advocate *for respondent Nos. 2 and 3.*

WITH
PIL WRIT PETITION NO.2566 OF 2021 (FILING NO.)

EDWIN MASCARENHAS AND 5 ORS …Petitioners
VS
MORMUGAO PLANNING AND DEVELOPMENT AUTHORITY (MPDA), THR. ITS MEMBER SECRETARY AND 2 ORS ...Respondents

Ms. Anamika Gode, Advocate *for the petitioners.*

Mr. Kaif Noorani, Advocate *for respondent No.***1.**

Ms. Sapna Mordekar, Additional Government Advocate *for respondent Nos. 2 and 3.*

CORAM: M. S. SONAK AND
R.N. LADDHA, JJ.
DATE: 21st February,2022

P.C.:

1. Mr. K. Noorani, learned Advocate filed affidavit on behalf of respondent No.1 in PILWP No.2566 of 2021 (F).

2. Thereupon, Ms. Anamika Gode, learned Advocate for the petitioners seeks time to respond to this affidavit.

3. This petition and the connected petition are therefore adjourned to 22/03/2022. Rejoinder, if any, to be filed at least a week in advance and a copy of the same is to be furnished to the learned Advocate for the respondents.

4. The petitioners to clear office objections within two weeks failing which, these petitions will stand dismissed for non-prosecution.

R.N. LADDHA,J. **M. S. SONAK, J.**